

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:09-CR-216-3FL

UNITED STATES OF AMERICA, )  
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 )  
 v. ) ORDER  
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 ANES SUBASIC, )  
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 )  
 Defendant. )

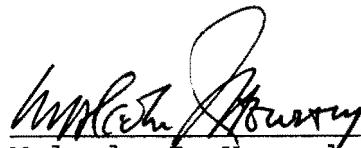
This matter is before the court on defendant's motion filed April 16, 2012 [DE #1881]. Because the motion concerns matters surrounding the trial of defendant as to counts 12 and 13, which was conducted by the undersigned, United States District Judge Louise Flanagan referred the motion to the undersigned.

The court has carefully reviewed this motion. It is unclear exactly what relief defendant seeks by filing this motion. However, the court notes that many of the issues addressed may be presented on appeal, after final judgment is entered, but are not properly raised at this time. Furthermore, were this court to construe defendant's motion as a motion for a new trial, the motion is untimely as it is not grounded on newly discovered evidence and was not filed within 14 days of the

jury's verdict. See Fed. R. Crim. P. 33(b)(2) ("Any motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict or finding of guilty.").

For the foregoing reasons, defendant's motion [DE #1881] is DENIED.

This 8<sup>th</sup> day of May 2012.

  
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Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
#26